

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
MIDLAND/ODESSA DIVISION

BELINDA MALDONADO,  
*Plaintiff,*

v.

CITY OF MIDLAND, JOHN DOE,  
NO. 1; JOHN DOE, NO. 2; AND  
JOHN DOE, NO. 3;  
*Defendants.*

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MO:23-CV-00037-DC

**ORDER ADOPTING REPORT AND RECOMMENDATION**

Before the Court is the report and recommendation<sup>1</sup> from United States Magistrate Ronald C. Griffin concerning Defendants' Motion to Dismiss.<sup>2</sup> Pursuant to 28 U.S.C. § 636(b) and Rule 1(d) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas, Judge Griffin issued his R&R on October 5, 2023.<sup>3</sup> As of the date of this order, no party has filed objections to the R&R.

Pursuant to 28 U.S.C. § 636(b), a party may serve and file specific, written objections to a magistrate judge's proposed findings and recommendations within fourteen days after being served with a copy of the R&R and, in doing so, secure de novo review by the district court. When no objections are timely filed, a district court can review the magistrate's R&R for clear error.<sup>4</sup>

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<sup>1</sup> ECF No. 10.

<sup>2</sup> ECF No. 7.

<sup>3</sup> ECF No. 10.

<sup>4</sup> *See* Fed. R. Civ. P. 72 advisory committee's note ("When no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.").

Because no party has filed timely objections, the Court reviews the R&R for clear error. Having done so and finding no clear error, the Court accepts and adopts the R&R as its own order.

Accordingly, the Court **ORDERS** that the Report and Recommendation of the United States Magistrate Judge<sup>5</sup> is **ADOPTED**. Defendants' motion to dismiss<sup>6</sup> is **GRANTED IN PART** and **DENIED IN PART**.

Accordingly, the Court **DISMISSES** Maldonado's hostile work environment claim based on sexual harassment. This claim is **DISMISSED WITHOUT PREJUDICE**.

The Court also **DENIES** Defendants' motion to dismiss Maldonado's Title VII hostile work environment claim based on gender discrimination.

It is so **ORDERED**.

SIGNED this 23rd day of October, 2023.

  
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DAVID COUNTS  
UNITED STATES DISTRICT JUDGE

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<sup>5</sup> ECF No 10.

<sup>6</sup> ECF No. 7.

